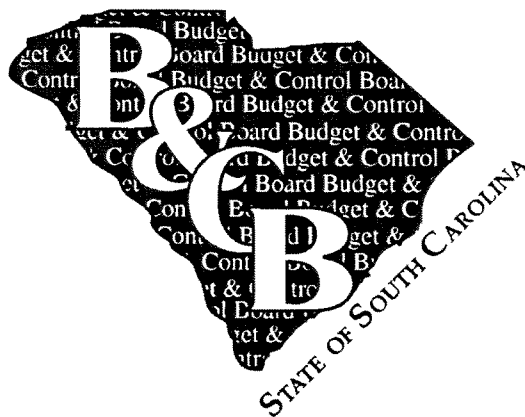


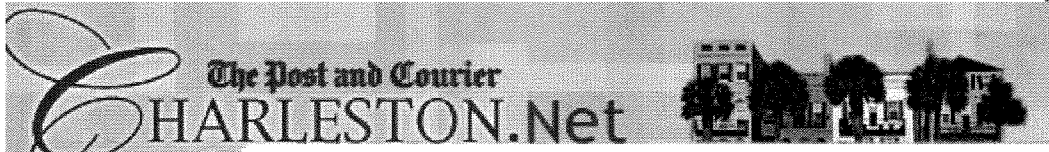
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State Government News Summary



**Prepared by the Budget and Control Board
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Story last updated at 6:49 a.m. Wednesday, June 2, 2004

Minibottle issue goes public

Voters to decide if state sticks with 1.7-oz. liquor bottles

BY CLAY BARBOUR AND PHILLIP CASTON
Of The Post and Courier Staff

COLUMBIA--The "mini" revolution is now in the hands of the people.

By a vote of 84-25, the House of Representatives passed a bill Tuesday that will allow voters to decide if South Carolina should continue being the only state to require use of minibottles -- those quirky 1.7-ounce containers commonly associated with airline travel.

The referendum, required because minibottles are written into the state constitution, will be on the November ballot. If passed, it would allow restaurants and bars to choose between minibottles and free pour. The Senate passed its version on Feb. 25. The referendum does not require the governor's approval.

"It's been a good day," said Rep. Bill Cotty, R-Columbia, pumping his fist. "This is a step forward for South Carolina. It really is."

Cotty, the bill's chief advocate in the Legislature, has fought all year to get the measure approved. It was his idea to present restaurants and bars with an option between the two methods of alcohol consumption, rather than just ridding the state of minibottles -- a move to which most credit the bill's success.

"This is all about choice," said state Rep. Alan Clemmons, R-North Myrtle Beach. "This allows voters to choose. And if it passes, it will allow restaurants and bars to choose. How can you be against that?"



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Minibottle opponents long have said the method is outdated, cumbersome and produces drinks that are too strong, ultimately leading to more alcohol-related accidents.

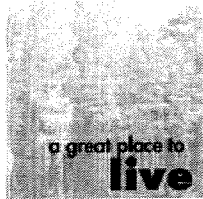
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S.C. LOTTERY

South Carolina averages about 1.7 ounces of alcohol per drink. The national average is about 1.2 ounces.

Supporters of minibottles contend the method is a surer way to collect taxes and is easier to inventory. The state charges a 25-cent excise tax on each minibottle.

Some legislators worried about losing upward of \$5 million in tax revenue. However, according to a study conducted by the state Board of Economic Advisors, a 5 percent sales tax on liquor drinks would actually add about \$172,000 to state coffers.

Trey Lofton, owner of The Village Tavern in Mount Pleasant, is skeptical of the decision. He's concerned that the state will tax free pour so much that it will be more beneficial to use minibottles.



"This could be the best thing that happened for bars in South Carolina, or it could be the death blow when you factor in the 2 a.m. bar closings and the loss of video poker," Lofton said. "There will be a very temporary boom in business for local bars because everyone will want to see a big bottle for the first time."

Lofton said he will wait until the vote is over to see how the state taxes free pour before he decides on making a switch at his establishment.



However, free pour should help businesses on a per-drink basis, said Village Tavern bartender Kim Carson.

"It will make things a lot quicker," Carson said. "People from out of state buying (multi-liquor) drinks they're used to paying \$6 for won't have to pay \$15 to \$20 for them."

Carson's coworker, Pat Latimer, disagrees.

"With minibottles, you get what you pay for, and you know what you're getting," Latimer said. "You can't get stiffed on a drink. With free pour, you aren't getting your money's worth."

Latimer said he doesn't think businesses will make more money with free pour and that it will require more training for bartenders.

"I'm more of a beer drinker, so it won't affect me too much," said bar patron Shawn Whitey. "The state taxes the hell out of the minibottles, though, so (free pour) could be good."

While studies have shown that about 90 percent of restaurant owners prefer free pour, passing the legislation has been an uphill battle.

For more than a decade, legislators have tried to make the change. The minibottles survived, mainly due to a powerful lobby

and the strategic difficulty in getting the needed two-thirds vote.

Through the years, a variety of organizations have come out against minibottles, including religious groups and law enforcement organizations.

About the only groups in favor of minibottles have been the state's five major distributors and their 58 retailers.

On Tuesday, with the bill's fate hanging in the balance, the pro-minibottle lobby filled the chamber of the Statehouse, picking off House members as they entered.

"Mr. Green is in town," said state Rep. John Graham Altman III, R-Charleston, indicating the lobbyists gathered outside the chamber. "You know how you can feel a hurricane coming when you're on the beach? Well, I can feel the money swirling around out there."

Inside the chamber, the legislation had powerful allies, including House Ways and Means Chairman Bobby Harrell, R-Charleston. He was one of about six legislators to take the podium Tuesday to argue for the bill's passage.

"How often do we have the Southern Baptists and the restaurants and bar owners working together on an issue," Harrell said. "That tells you how unique this situation is."

Clay Barbour covers the Statehouse. Contact him at (803) 799-9051 or cbarbour@postandcourier.com.

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Posted on Wed, Jun. 02, 2004

Senator blocking bill to regulate veterinarians

Measure would open disciplinary process to public

By JOHN MONK
News Columnist

A state senator filibustered Tuesday, trying to derail a bill that supporters say would protect pets and pet owners from incompetent veterinarians.

Sen. Danny Verdin, R-Laurens, said the bill would result in harassment of vets and subject them to unfair regulations.

"I find it (the bill) intolerable," said Verdin, who told senators he has a lifelong familiarity with veterinarians because his father is a vet.

Verdin specifically objected to a provision that would open up the now-secretive disciplinary process, which critics say allows bad vets to keep harming pets. "For us to build a bill that is built upon lack of trust ... I take offense to that."

Others say increased public scrutiny is needed. Vet disciplinary proceedings now are secret; citizens who make valid complaints are not allowed to attend the trial-like hearings at which a vet's guilt or innocence is determined.

"The more the public can see of the process, the better they can understand it," said veterinarian Dr. Claude Schumpert, a Richland County vet who chairs the S.C. Board of Veterinary Examiners and oversees disciplinary proceedings. He favors the bill.

If the bill passes, the disciplinary system for veterinarians would be as open as that of S.C. lawyers.

In the S.C. legal world, if an investigation determines that a citizen's complaint against a lawyer is serious and has merit, the attorney is given 30 days to respond. Then the complaint and response are made public and a public hearing is held, said S.C. Bar executive director Robert Wells.

Under the current law, however, veterinarians enjoy a cloak of secrecy. All their disciplinary hearings are secret, even those involving vets with a history of killing and mutilating many pets.

"This secrecy allows bad vets to continue negligent practices because it prevents the public from finding out which veterinarians have valid complaint histories," said Marcia Rosenberg, a Mount Pleasant homemaker.

Three years ago, Rosenberg's pet kitten, "Pumpkin," was injured in a botched operation by Charleston-area vet Dr. Stanley Gorlitsky. When Rosenberg investigated, she learned Gorlitsky had a history of bungling operations. Some of the complaints against Gorlitsky had been kept secret by the S.C. Board of Veterinary Examiners.

"We are talking about only one percent or less of all licensed veterinarians," said Rosenberg. "This bill only targets that very small minority of vets who have something to fear."

In 2002, the Board of Veterinary Examiners barred Rosenberg from the hearing at which it took disciplinary action against Gorlitsky for botching operations. (The board suspended Gorlitsky's license for a year.)

Since then, Rosenberg has worked with veterinarian groups on the bill now before the Senate.

The bill Verdin is trying to kill is backed by the S.C. Association of Veterinarians, the S.C. Board of Veterinary Examiners and Rep. Tom Dantzler, R-Berkeley, the only veterinarian in the General Assembly.

"I totally support this," said Dantzler, adding that secrecy "looks bad for my profession."

Dantzler stressed only valid complaints against vets would be made public. Any complaint made would have to go through a three-step process before being made public, he said:

- An initial investigation by a trained investigator
- A review by a special panel of veterinarians, a vet nurse and a consumer representative
- A finding by the eight-member board, seven of whom are veterinarians, that the complaint has merit

Schumpert said the public has a right to know what is happening with a serious complaint.

More openness also will teach the public how complex veterinary work can be, he said. "I really think it would do a lot to help people understand that there is more than one side to a complaint."

In his Senate speech, Verdin criticized the proposed special panel that would help determine whether a complaint is valid. He said the special panel represented a "whole new body" of regulation.

The public is best served by keeping complaints secret, Verdin said. "The best way to protect the public is to protect the profession."

Verdin said public airing of complaints could cause pet owners to leave one vet's practice and flock to another. He also said airing complaints may cause vets to take expensive, unnecessary steps.

"The more that you tilt the regulatory playing field against the conscientious practitioner, the more he's going to be forced ... to cover his costs and fees that he charges your constituents. We are talking about an escalation of the cost of doing business."

Verdin said he wasn't against most other reforms in the bill.

These reforms include requiring newly graduated veterinarians to spend 60 days with an experienced vet before starting their own practice. There is no "intern" requirement now.

The bill already has passed the House and Senate once. A technicality has put it before the Senate a second time. If the Senate approves it within the next two days, it will go to Gov. Mark Sanford.

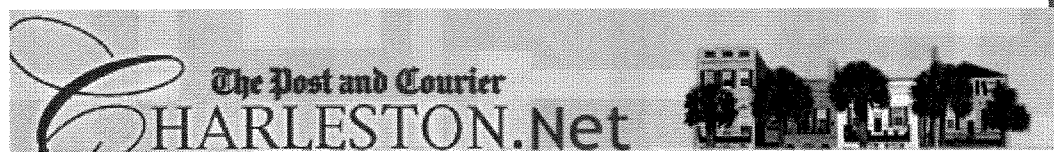
But Verdin's filibuster could kill the bill.

Rosenberg said, "The only ones to fear it are the bad vets."

Dantzler said openness and higher standards shouldn't be fought.

"This will make our profession stronger and better. It brings our practice into the modern age."

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Story last updated at 6:52 a.m. Wednesday, June 2, 2004

S.C. Senate OKs phone rate bill

Deregulation measure passes by margin of 2-1

BY KYLE STOCK
Of The Post and Courier Staff

By more than a 2-1 margin, the state Senate passed a bill Tuesday that would deregulate rate-setting for telephone service providers and limit the state's ability to field consumer phone complaints.

The approval came over the objections of business-interest groups and the South Carolina Consumer Affairs Department.

If upheld by the House and Gov. Mark Sanford, the bill would allow phone companies to skip seeking state approval when changing rates on phone service "bundles" -- when two or more options show up on one bill, such as a local phone line coupled with another service like call-waiting or Internet access. The legislation would also preclude the Public Service Commission from handling antitrust allegations made by competing phone companies or fielding complaints from customers who buy their services in bundles.

"We wanted to protect a healthy, competitive telephone environment, but we didn't have the juice to get it done," said Frank Knapp, president of the South Carolina Small Business Chamber of Commerce. "We were outmanned and outmoneyed."

The bill passed on its third vote 28-12 after months of steady lobbying by BellSouth Corp. and other longstanding local phone companies. The House passed a similar version of the bill on a voice vote Feb. 19 but will have to approve the slightly amended draft in the next few days for it to become law. It will then go to Sanford for his signature.

Lawmakers who supported the legislation said it will lead to

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Consumer interest groups, including state Consumer Advocate Elliott Elam and AARP, a national advocacy group for retirees, lobbied against the bill for months, saying it sets an unhealthy precedent in deregulating the telecommunications industry. They fear the bill would lead to fewer choices for consumers and eventually let Baby Bell companies like BellSouth "re-monopolize" the phone market.

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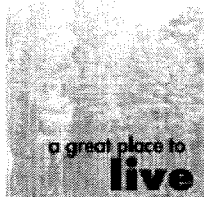
BellSouth's competitors also fought the bill every step of the way.

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"It's nothing but special-interest legislation," said Garry Sharp, executive director of CompSouth, a coalition of competitive local exchange carriers, including MCI and AT&T. "(It) takes South Carolina customers and local phone competition out on a limb where no other states have been willing to go."

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BellSouth argued the bill would cut out a lot of unnecessary red tape and allow it to change prices more quickly without tipping off its competition. Currently, it takes a telephone company about two weeks to get an OK from the PSC to change rates.



"I'm not sure how giving us some better price flexibility so we can better compete with providers is a bad thing for consumers," said Ted Creech, BellSouth's Charleston-area regional director. "Obviously, competitors who would not be in favor of this bill don't want more competition."



Companies that lease lines from BellSouth -- outfits that until recently offered only long-distance service -- said the bill is an effort to run them out of the market. They expect BellSouth, which still holds the majority of the state's local-calling market, to lower its prices below profitable levels to drive competitors out of business and then hike rates.

"All I know is that (deregulation is) premature and it's bad public policy for the Legislature to step into the shoes of the commission," said Jack Pringle, a Columbia attorney who works for CompSouth. "It certainly is going to be a hindrance to companies that are doing business here and those that seek to do business here."

The bill also relaxes rate regulations in rural areas where cellular service is widely available, a part of the measure that the Small Business Chamber of Commerce objects to most. The chamber said a lot of businesses in rural areas that don't want to go cellular will face huge rate hikes because, under the legislation, those areas would be deemed competitive, meaning the end of rate approval by the PSC.

The "silver lining," according to the chamber, is that a last-minute amendment would cap rate hikes at twice the local residential per-line rate -- currently about \$14.35 a month.

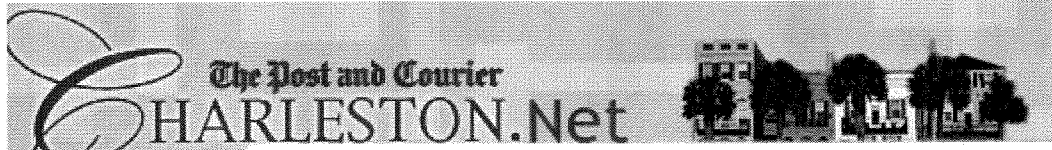
Should the bill become law, consumer complaints would be heard by the PSC but the commission will no longer be able to issue

corrective orders.

Kyle Stock covers utilities. He can be reached at 937-5763 or at
kstock@postandcourier.com.

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Story last updated at 6:53 a.m. Wednesday, June 2, 2004

Senate defeat looms for tort reform bill

Law's supporters face disappointment if plan to cap damage awards fails

BY FRANK NORTON
Of The Post and Courier Staff

A controversial bill to amend South Carolina's legal liability system appeared headed for defeat in the state Senate on Tuesday, offering relief for personal-injury lawyers and frustration for doctors and business interests.

The bill, technically alive until the legislative session closes on Thursday, aims to curb what proponents view as extravagant personal-injury claims by capping awards for those types of damages at \$250,000.

"It doesn't appear it will make it this year," said Republican Sen. Larry A. Martin, who co-sponsored the bill. "I had high hopes of a compromise in the making, but in the end the differences between trial lawyers and the medical profession proved a deal-killer."

Martin and other backers of the bill said liability reforms would have gone a long way to boost business and economic development in the state by providing individuals and the private sector with better protections against frivolous and costly litigation.

Trial lawyers, who fervently oppose such reform, offered early praise to the Senate for appearing to recognize the effectiveness of the state's liability system in protecting victims.

"It seems cooler heads prevailed," said Paul Gibson, an attorney with Riesen Law Firm in North Charleston. He said the legislation



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"It has always been our position that tort reform is not needed in South Carolina, and we will continue to protect the legal system and the rights of individuals who may have been harmed by the negligence of others," said Luther Battiste, president of the South Carolina Trial Lawyers Association.

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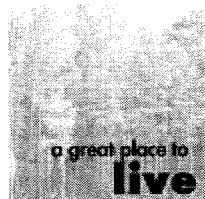
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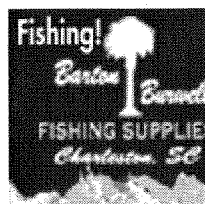
Medical and insurance interests, on the other hand, have long argued that South Carolina's lax liability codes invite unworthy lawsuits and excessive jury awards that jam court systems, drain public dollars and increase the cost of living and doing business in the state.

Cam Crawford, who heads South Carolina First, a coalition of pro-tort-reform business groups, said personal-injury lawyers thwarted the last-minute attempts of medical and business interests to reach a compromise.

"When doctors start closing their doors and when businesses start refusing to locate in the state for fear of outrageous lawsuits, you can call up your local trial lawyer and thank him," Crawford said.



Patrick Kelley, an emergency-room physician at Roper Hospital who supported the bill, said frivolous claims are driving up insurance premiums for himself and other doctors and resulting in higher bills for patients.



If left unchecked, he said, the threat of litigation will lead to a scarcity of physicians in high-risk fields such as obstetrics and emergency care.

The bill passed the House earlier this year. However, anticipating a lack of consensus, Senate president pro tempore Glen F. McConnell, R-Charleston, last week moved to keep the bill off the Senate floor, dashing hopes among supporters of reform this year.

The changes proposed under the bill would have placed a \$250,000 cap on non-economic damages such as pain and suffering and emotional distress.

The law would have meant restrictions on punitive awards to cases where intentional misconduct, fraud or actual malice are proven. It also would have provided immunity from litigation to health care providers who in good faith render emergency care at the scene of an accident.

Frank Norton covers legislative issues. He can be reached at 937-5594 or fnorton@postandcourier.com.



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Senate passes bill on police accident investigations

Published Tuesday, June 1st, 2004

COLUMBIA, S.C. (AP) - A bill that cleared the Senate on Tuesday would clarify rules for investigating traffic accidents involving police.


The House bill would require investigations of crashes, not only when a police car is directly involved but also when it is indirectly involved. The investigation would be handled by a law enforcement agency other than one involved in the crash.

The legislation also sets rules for how investigations should be conducted. For example, accident investigators would be required to identify possible witnesses that may not have been involved in the wreck.

The legislation stems from a investigation by Forest Acres police in May 2003 after a fleeing suspect struck a car and killed a woman.

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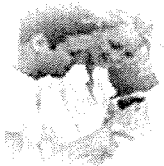
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The Greenville News

Jun 1, 6:57 PM EDT

Governor's spokesman got free use of car dealer's Corvette

By JIM DAVENPORT
 Associated Press Writer

COLUMBIA, S.C. (AP) -- Gov. Mark Sanford's spokesman Will Folks got some extra attention when he pulled into the Statehouse parking garage in a red Corvette convertible last month, but the attention now is on where he got the car.

The car was loaned to Folks by Columbia Dodge dealer J.T. Gandolfo, who was appointed by Sanford in 2002 to lead a task force charged with overhauling the state Division of Motor Vehicles.

South Carolina law doesn't bar state workers from taking gifts, unless they're intended to influence decisions. If a gift is "received in return for doing something in his official capacity, it's a violation," said Herb Hayden, director of the State Ethics Commission.

"I didn't look at this as receiving a gift of any kind," Folks said Tuesday. "If I had thought for a minute that there was anything I needed to ask about, I certainly would have done that."

He explained that Gandolfo had sold him a car in December, but the vehicle needed new tires. When he took the car in for tires last month, Gandolfo offered Folks the 2001 Corvette to drive in the meantime. Folks said he drove the Corvette for eight days, beginning May 21.

When Folks picked up his car, it had four new tires and had been washed for free. While the invoice came to \$445.50, Folks was charged \$200. He said the reduction in the bill was part of the original agreement when he bought the car.

"It may not be illegal, but it seems to flunk the smell test," said state Rep. Doug Jennings, D-Bennettsville.

Sanford did not immediately return a phone call seeking comment.

Aides to three former governors, who would not speak for attribution, said their standards on accepting anything of value would have at least required staffers to report such a gift.

Gandolfo said the Corvette is worth about \$36,000. "Will's a customer and also a friend," said Gandolfo, who was appointed as a special liaison to the DMV last year but said Tuesday he is not directly connected to the agency.

When parked in the Statehouse garage, the car had Gandolfo's dealer tags displayed. However, state law says those tags "may be used exclusively on motor vehicles owned by, assigned or loaned for test driving purposes to the dealer when operated on the highways of this state by the dealer, its corporate officers, its employees or a prospective purchaser of the motor vehicle."

Gandolfo said Folks wasn't a prospective buyer. "That wasn't the reason that I lent him the car," said Gandolfo, who said he takes responsibility for the entire situation.

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Folks said he would be willing to repay Gandolfo the rental value of the car, but Gandolfo said he doesn't want reimbursement.

"It has the appearance of impropriety," said state Rep. Todd Rutherford, D-Columbia. "As much as car dealers have needed from and seemed to have gotten from this administration, the fact that now they're riding around in ... expensive sports cars that they don't have to pay for just stinks."

Others were less willing to condemn.

"We have much bigger fights to fight," said House Ways and Means Chairman Bobby Harrell, R-Charleston. It's up to Sanford to decide how he handles such issues, Harrell said.

House Minority Leader James Smith, D-Columbia, said dealers don't offer him loaners when he gets his vehicles serviced and that he can't take rides with some longtime friends who now are lobbyists because state ethics laws prevent that.

Smith considers Gandolfo and Folks friends and doubts the car dealer expected any special treatment.

Folks is a "purist" on ethics issues, Smith said. "Any departure from that, I'm sure, is a regretted oversight. ... He's not in this to get the goodies," Smith said.

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Posted on Wed, Jun. 02, 2004

Pig stunt could turn out to be start of effort to bypass Legislature

By CINDI ROSS SCOPPE
Associate Editor

DID YOU HEAR the one about the governor who stuck a squealing, defecating piglet under each arm, parked outside the House chamber and held forth on the topic of legislative pork, so shaming legislative leaders that they apologized and vowed henceforth to work enthusiastically to pass whatever proposals the governor asked them to?

Well, if you did, you might want to share it with folks at the State House. They'll get a good laugh out of that punch line.

Gov. Mark Sanford characterized it as a "light-hearted" attempt to poke fun at the situation, but when he hauled in the pigs to do to the floor outside the House chamber what the House had done to his critique of the budget a day earlier, he sent a message to TV viewers across the state that it was time to rise up against the Legislature.

In what came as no surprise to anybody except Mr. Sanford, representatives and some senators in both parties, from leaders to the rank-and-file, condemned the stunt and declared that he had doomed any chance of repairing the always-strained relationship between the reformist, outsider governor and the cliquish, status quo Legislature.

For his part, Mr. Sanford says it would be wrong to read Thursday's stunt as an indication that he has given up on ever getting along with the Legislature. Sort of.

"I'm going to continue to work on building relationships with members of the Legislature," he said a few hours after his staff returned the piglets to their Lexington County home. "But I'm also going to use every arrow in our quiver to try to raise issues."

Focus on the second sentence. It's the crucial one.

In explaining it, Mr. Sanford describes something of an epiphany he had last week about the relative power of relationships and arrows: On the night before the pigs, he held the annual Governor's Mansion drop-in for legislators, where he "had drinks and dinner with the very people who had two hours before rolled over us on what we think is a very important constitutional issue and budget issue." And in this surreal situation, it hit him: "It's not until people are forced to change that they will change. You don't change by being pals, making friends with everyone up there."

Legislators can insist all they want that the problem is that the governor never learned to play well with others, Mr. Sanford decided. The real problem, as he sees it, is that legislators simply oppose his plans to clean up the state's budgeting process, overhaul the structure of the government and infuse both with his libertarianism. And all the coddling in the world won't change that.

"There are only two ways of skinning this cat," he said. One is to spend his time paying proper obeisance to legislators rather than devising complex reform proposals, and accept the back-scratching, favor-trading process that has always defined South Carolina government. But as long as legislators feel no pressure to go along with his ideas, that approach will yield only minor legislative victories, since the purpose of the system is to sustain itself, and "that ain't me."

The other approach, he said, is to "turn this thing into a cause."

It's been clear since Mr. Sanford took office that he wasn't going to accept the first approach. Whether he has tried hard enough to find a middle way is open to debate. Mr. Sanford and his staff clearly have mishandled our prickly legislators, largely because they still don't understand or else refuse to conform to legislators' sensitivities. But legislators have likewise failed or refused to understand Mr. Sanford or to give any; and they have exploited his weaknesses. More than once, legislative leaders have sat through multiple meetings discussing some initiative the governor was working on, then greeted its unveiling with claims that he had blindsided them.

What's new is Mr. Sanford's determination to mount a systematic and sustained effort to go over legislators' heads to try to move his agenda. While he won't be the only one or even the first to abandon any hope of reasoning with this Legislature — people who share his goals and people who oppose his goals also are trying to energize the public to force lawmakers' hand — his popularity and his position give him the potential to be the most effective. Still, it's no small task, and he seems to understand that.

"I've got to go to every single Rotary Club in the state throughout the summer and the fall, and get every single e-mail address, get enough people motivated to march on Columbia and change their minds," he said. "I've got a responsibility to elevate ideas, but it takes the citizenry to get energized.

"Last night made it incredibly clear it really has to be a cause. You ask the question: How do the people of South Carolina have a better voice and greater control of their political system? The answer's 'with a lot of elbow grease.' You've got to really commit to going to those Rotary Clubs and saying I need 25 of you guys to give me your e-mail addresses and be the pod, be the cell here in your part of the state to contact 25 other people and energize them."

If Mr. Sanford is serious about this, then the coming months will be as much a test of the people of South Carolina as of their governor.

Ms. Scoppe can be reached at cscoppe@thestate.com or at (803) 771-8571.

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Sprinkler sign bill dies

Posted Tuesday, June 1, 2004 - 6:45 pm

By Tim Smith
CAPITAL BUREAU

COLUMBIA — A bill that would require hotels without fire sprinklers to post signs notifying guests has died, the last attempt at legislation spawned by a Greenville hotel fire in January that killed six and injured 12.

[e-mail this story](#)

The failure of the sign bill means lawmakers will go home Thursday with no laws passed to further protect hotel guests. A proposal to require all hotels to install sprinklers died in April.

"I'm quite upset and disappointed," said Amelia Barbour of Michigan, who lost a niece and great-nephew in the Comfort Inn fire. "I really cannot believe that an 8-and-a-half-by-11 piece of paper would hurt. Perhaps they would make a different decision if their family members were lost."

The bill would have required hotels without sprinklers to post signs stating the law doesn't require them to have sprinklers. Hotels not posting the signs would have faced fines of \$2,000 per day.

Rep. Kenny Bingham, a Lexington County Republican who chaired the House subcommittee that looked at the sign bill, said he thought it was "obsessive" and too harsh for hotel owners.

"All I could see is a \$2,000-a-day penalty, which is an incredible fine. It's not going to save a life. It's not going to change the outcome in anyway, or if it is, no one was able to stand up and explain how this was going to do so."

Barbour said, "That was something small to ask for such a tragedy. I hope they will reconsider. But of course if tourism is as important as fatalities, right on, I guess."

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Posted on Wed, Jun. 02, 2004

S.C. HOUSE DISTRICT 103

Georgetown Democrats face off

By Kelly Marshall
The Sun News

Georgetown County could see a resident legislator elected to S.C. House District 103 this year.

Carl Anderson and Morris Johnson, both of Georgetown, will meet in the Democratic primary Tuesday.

One will face incumbent Republican John J. "Bubber" Snow, a Williamsburg County resident, in November. Snow has held the House 103 seat, off and on, for 22 years.

Ted Brown, who is now running for S.C. Senate, held the seat from 1994 to 2000. At that time, he was a resident of the Sampit community.

The change in leadership could benefit Georgetown County, Johnson said.

"We could have two House members from Georgetown County," Johnson said. "That will give us a great advantage. We would have two representatives looking out for the interests of Georgetown County. It will give you more bargaining power."

House District 103 includes most of western Georgetown County and a small part of Williamsburg County.

"Georgetown will get its fair share of representation," Anderson said. "Wherever the resident is, there will be the interest."

Johnson, a former member of Georgetown County Council, has worked 33 years at International Paper Co.

Anderson is a minister and ran the family business, Anderson Furniture & Appliance Co, for 19 years.

Both would like a chance to lower the unemployment rate and bring jobs to the district. The unemployment level in the district is about 15 percent. Georgetown has lost several large industries in the past three years, including Georgetown Steel, Eagle Electric and Cooper Wiring.

Johnson said his work with Georgetown County Council, from 1996 to 2000, has given him the right contacts at the state and local level to run the office.

"Working with County Council and with various boards and commissions in Georgetown County gives me a foundation in knowing what's going on in the political arena," Johnson said. "You should know something about politics and being able to work with people."

Anderson is the minister at Greater St. Mark AME Church in Hemingway. He said he is "no stranger to serving the public."

His interests include securing better roads and more funding for education.

Anderson has been on advisory boards for Horry-Georgetown Technical College, the Salvation Army and Kensington Elementary. He has also been on the Minority Business Board.

Anderson said he thinks teachers are underpaid, and he wants more funding for education. More jobs could bring more taxes, which leads to better pay for educators.

While Snow has been lauded for his work with agriculture, Anderson and Johnson stress education and jobs as their platforms.

"Education is a backbone of this nation," Johnson said. "Our young people, in order to make a living, they need to be educated. They are our presidents, doctors and lawyers for the future. Unless they have a good education, our future is dim."

Contact **KELLY MARSHALL** at kmarshall@thesunnews.com or 520-0497.

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Posted on Wed, Jun. 02, 2004

Major storm unlikely in '04, forecaster says

But report adds chances of big hit grow over 50 years

By JOEY HOLLEMAN
Staff Writer

A devastating hurricane probably won't hit the South Carolina coast this year, but stick around the coast long enough and you'll experience one, according to a report released Monday.

On the first day of hurricane season, William Gray and Philip Klotzbach of Colorado State University released the first detailed report on the county-by-county likelihood of a hurricane hitting the United States.

Gray has listed probabilities for large coastal regions in the past, but he had not narrowed it to the county level. "Based on years of feedback," Gray said, "it has been made clear that this is the information most people really want."

Gray realizes that many people will look at the possibility of hurricane-force winds hitting their area in 2004 and breathe a sigh of relief. For Charleston County, it's 1.2 percent.

Instead, Gray said, coastal residents should look at the 50-year probability to make decisions on home-building and insurance coverage. For Charleston County, the probability of a hit by hurricane-force winds in the next 50 years is 45.9 percent.

The percentages are based on hurricane statistics from the entire 20th century.

Charleston County ranks as the most likely hurricane target in the state only because it has the most coastline, 111 miles. The chances of a hurricane hitting the other coastal counties in the next 50 years are: Jasper (8.4 percent), Beaufort (26.6), Colleton (4.8), Georgetown (23.3) and Horry (22.4).

By comparison, the chances of a hurricane strike are about the same in North Carolina coastal counties similar in coastline length to Charleston — 40.2 percent in Dare and 42.2 percent in Carteret.

If you want to live in the Southern coastal area with the least chance of hurricanes, head to Georgia. Chatham County, with nearly as many miles of coastline as Georgetown, has only a 5 percent chance of a hurricane hitting in the next 50 years.

Based on the statistics, you don't want to live in a rickety house in Florida's Monroe County, home of Key West. Chances of a hurricane hitting there in the next 50 years is 97.9 percent, highest in the country.

To view the full report, go online to www.colostate.edu and click on the "Landfall Probabilities Web site" link.

Reach Holleman at (803) 771-8366 or jholleman@thestate.com.



Posted on Wed, Jun. 02, 2004

The State

Bill will lower quality of judges, not add diversity

LAST WEEK, THE Legislature once again refused to increase the appallingly low number of African-Americans and women on the state's appellate bench.

As usual, you can find explanations that have nothing to do with race or gender. Occasionally, lawmakers have chosen a clearly better-qualified white man over a black or female opponent; more often, the candidates have brought equally compelling packages of strengths and weaknesses, and what distinguished the winning candidate was personal ties to legislators.

But whatever reason can be given for the results of any given race, one glaring fact is incontrovertible: The South Carolina General Assembly has either not realized or not accepted that in a state where a third of the population is black and half is female, yet 90 percent of the judges are white and 85 percent are men, it needs to go out of its way to put qualified black and female judges on the bench.

It's not about political correctness, as defenders of the status quo charge, but prudence. Judges must determine who can be rehabilitated and who needs to be put away for life. That takes more than simply knowing the law; it takes being able to read different types of people, and understand different communities. In some cases, white, male former legislators can make the best calls; but other times a black or female judge has a better chance at getting it right. Having a good mix of judges — white and black, male and female, people from the upper classes and people who had to work their own way through college and law school — increases the odds of getting these crucial calls right.

More important, our judiciary, like all of government, draws its power from public trust. The dearth of black faces on the bench contributes to a feeling among a large segment of the population that the judiciary doesn't understand or care about or intend to act fairly toward black people. That undermines trust, and endangers the ability of the judicial system, and the larger criminal justice system, to maintain the rule of law.

Unfortunately, little can be done to solve the problem until legislators acknowledge that there is a problem. And the "solution" being proposed does nothing to make that happen. Worse, it is almost certain to create even larger problems.

The House proposes to increase diversity by neutering the Judicial Merit Selection Commission, which was created just eight years ago amid outrage over the Legislature's insistence on electing unqualified judges and elevating the least qualified candidates available.

The plan, ostensibly a reaction to complaints that the commission doesn't nominate enough black candidates, would eliminate the commission's nominating role and allow the Legislature to consider any candidate who meets the minimal qualifications. And, as if to make it obvious that the real goal for many is a return to cronyism, it eliminates the one-year waiting period before former legislators can run for a judgeship.

The Senate has modified the bill to restore the legislators' waiting period and to double the number of candidates nominated rather than eliminating the nomination requirement entirely. Those changes make the legislation less harmful, but they still invite mischief, and they still will do nothing to increase diversity.

If the commission is unfairly holding back more qualified black candidates than white candidates, we can change the makeup of the commission. What we must not do is swing open the doors to back-room deals that inevitably result in a race to the bottom.

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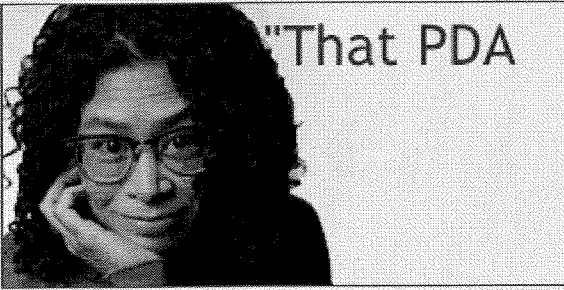
Debate Intensifies on Nuclear Waste

Lawmakers in Affected States Press Bush Administration on Cleanup

By Blaine Harden and Dan Morgan
Washington Post Staff Writers
Wednesday, June 2, 2004; Page A02

RICHLAND, Wash. -- Using the nation's largest and leakiest nuclear waste dump as a backdrop, Sen. Maria Cantwell (D-Wash.) complained last week that the Bush administration is using a "sneaky" legislative maneuver to avoid cleaning up Cold War-era poisons that are tainting groundwater here and oozing into the Columbia River.

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"They are trying to create a loophole in the definition of nuclear waste big enough to drive a truck through and leave Washington state to deal with a mess that we don't want," Cantwell said, echoing the worries of state environmental officials who help monitor the federal Hanford Nuclear Reservation here.

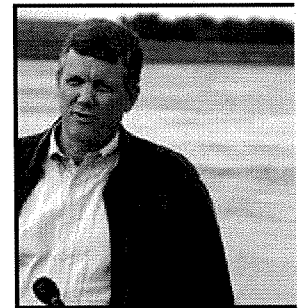
Cantwell's complaint will animate a debate expected this week on the Senate floor. She and Sen. Ernest F. Hollings (D-

S.C.) plan to lead an effort to strip language out of the defense authorization bill that would allow the Energy Department to leave some radioactive waste in buried tanks -- rather than get it up and ship it off for entombment in Nevada.

The fight over nuclear waste, which involves Washington, Idaho and South Carolina, has slowed debate on the nearly \$450 billion annual defense bill, which pays for everything from the Iraq war to multibillion-dollar weapons systems.

A vote on the Cantwell-Hollings amendment could be close, with Democrats lining up solidly against the Bush administration. Cantwell and her supporters say they are courting several moderate Republicans who often vote against the administration on environmental issues.

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Sen. Maria Cantwell (D-Wash.), Wilson, manager of nuclear waste at Washington Department of Ecology. Harden -- The Washington Post

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The Energy Department maintains that it could save more than \$85 billion -- while avoiding the risk of deaths and injuries to cleanup workers -- if allowed to leave the last remnants of nuclear waste in underground tanks and seal it in place with a special kind of concrete.

It is "nuts" to classify all the waste from nuclear bomb production throughout the Cold War as "high level," when a small fraction of it can be safely stored in existing tanks, said Kyle McSillarow, deputy secretary of energy.

"We want to do this -- not to them, but with them," said McSillarow, referring to the three states with major cleanup projects underway at old bomb-making sites.

There is considerable disagreement about how dangerous the last remnants of waste are. Cantwell and such groups as the Natural Resource Defense Council point to studies showing that up to half the radioactivity in an underground tank can be contained in the sludge residue at the bottom of the tank.

A federal court in Idaho last year ruled against an earlier effort by the Energy Department to keep some waste in the aging tanks rather than moving it to Nevada for burial beneath Yucca Mountain. Because of that ruling, which is under appeal, McSillarow said his department urgently needs new language in the defense bill, or "we can't spend money" to continue the cleanup. Cantwell has called this "blackmail."

Here along the Columbia River, Hanford is by far the largest of the cleanup sites. Once the primary factory for making weapons-grade plutonium, the site stores about two-thirds of the country's high-level nuclear waste. It is kept in 177 underground tanks, a third of which have been leaking for decades. Hanford is bordered by the Columbia, the largest river in the West.

The leaks have tainted groundwater, creating a slowly expanding 80-square-mile plume of contamination that violates federal water standards. The plume abuts the Columbia and is a risk to the water supply for Richland, where many scientists and bureaucrats employed in the \$2 billion-a-year Hanford cleanup now live.

Last month, the Energy Department persuaded Sen. Lindsey O. Graham (R-S.C.) to introduce language into the defense bill that would allow South Carolina to entomb in concrete and sand some of the waste left over from bomb-building operations at the Savannah River nuclear site near Aiken.

In this, Graham has the support of the governor and state health and environmental officials in his home state. The Energy Department had tried, but failed, to get similar support from state officials in Washington and Idaho.

A key issue is the extent to which the federal government can order states to do its bidding. Graham has insisted that South Carolina will retain final control over cleanup decisions. Most of the waste, he noted, would be shipped to a permanent repository planned for Nevada.

"I would never do this unless my state encouraged me to do it," Graham said. "I wouldn't do this for a second if it was going to jeopardize groundwater."

But his Senate colleague from South Carolina disagrees.

"This is monkeyshines," Hollings said on the Senate floor last month. He warned that the tanks were near a major earthquake fault line and could leak into the Tuscaloosa aquifer or the Savannah River.

What particularly upsets Cantwell about the proposal to reclassify waste is that it was inserted in the defense bill without public hearings and without going through the Senate committee that oversees the Energy Department.

"This is a serious policy change that they are trying to make through closed-door meetings," she said.

Morgan reported from Washington.

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Two vie for state Senate District 3 seat

Posted Tuesday, June 1, 2004 - 6:45 pm

By Anna Simon

CLEMSON BUREAU

asimon@greenvillenews.com

ANDERSON — Better schools and health care are concerns in the state Senate District 3 race in the Powdersville and lake areas of Anderson County, where two former elected officials face off on June 8 for the Democratic nomination.

Former Anderson County councilman Ed Allgood and former state senator Mike Mullinax will vie to run in November against the winner of a Republican primary for the office now held by Sen. Bob Waldrep, who is not seeking re-election.

Mullinax, 59, an Anderson attorney and businessman, held the senate seat from 1989-1992 and was Anderson County attorney from 1985-1989.

Allgood, 64, a retired tire store owner, was on county council from 1990-1994 and served on the county planning commission from 1995-2001.

Allgood said a lack of leadership at the state level has left the state behind in education and per capita personal income.

"We're 40th in income. We're 47th in education," Allgood said. "I think we can change our state and quit being the bottom of the totem pole and get it out to being number one."

Allgood wants adequate funding available to teachers in the classroom and wants parents to have school choice through vouchers based on 40

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percent of per pupil funding that could be used for private schools.

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Moving this amount of money would leave more money in the public school system on a per pupil basis, Allgood said.

Mullinax said a lack of leadership in the community and too much divisiveness and partisanship in state government has hurt the county and state.

He called for leadership and vision in health care, education, economic development and jobs, and said he has a demonstrated record of achievement in each of those areas.

Mullinax co-founded an Anderson County Business and Education Partnership, which teamed every school in the county with businesses, bringing money, mentors and role models to classrooms, and wants similar programs statewide.

"We must fund the EFA, EIA and the federal and state initiatives that exist. Education needs to be on the front burner and not the back burner," Mullinax said.

Health care and the economy

Mullinax decried a lack of health insurance coverage for working people and called for incentives for businesses to provide it.

Mullinax wants preventative health care "instead of only serving catastrophic issues," and funding provided for Medicaid and mental health initiatives, "because it's the right thing to do" and to get federal matching dollars.

He supports public-private consortiums and incubators and wants money focused on roads, water, sewer and workforce training to compete globally for good paying jobs.

"It's more than talking about leadership," said Mullinax, who helped recruit BMW, Michelin, Bosch, Afco, Autec, Frigidaire and others. "It's about having the vision to be able to get good industry to come into this state and have the knowledge and expertise and ability to forge coalitions to compromise and promote and make ideas work."

Allgood wants a free prescription drug program to help senior citizens and the disabled afford medications and incentives to encourage people to enter health related fields as the population ages.

Allgood said state health care programs should be evaluated to eliminate waste and streamline services for eligible people who currently find it frustrating to get services.

Allgood called for tort reform, increased per capita income, lower corporate taxes on businesses, lower property taxes, freezing property taxes for seniors, more loan money for family businesses and laws to make South Carolina more business friendly.

"We have to fund more infrastructure. We've got places on I-85 that don't even have sewer," said Allgood, who wants more state involvement in promoting the county's Alliance Business Park and Clemson Research Park. "We've got to create jobs," he said.

Savannah River basin

Both candidates have concerns about potential loss of drinking water from the Savannah River basin to supply needs of Atlanta and Greenville, as well as concerns over lake levels and water quality.

"Being full is just as important to people on Lake Hartwell as having sand on the beach is to

the people on the coast," Allgood said.

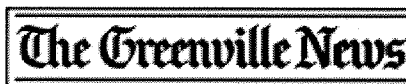
While on county council, he pushed for federal laws to prevent transfer of water from one basin to another but fears the legislation can be easily overridden.

A big reason for the lake level problem "is the corps of engineers has an unfettered right to sell power," said Mullinax, who would bring federal and state entities together to address it. He would consider a pre-emptive lawsuit to protect water in the basin from diversion to Atlanta.



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Beasley trade plan mixes domestic incentives, foreign crackdown

Posted Tuesday, June 1, 2004 - 6:45 pm

By Dan Hoover
STAFF WRITER

For former Gov. David Beasley to win a U.S. Senate seat, he's going to have to depend on people like Calvin Jones.

When Beasley showed up at Greenville's Downtown Airport Tuesday to unveil an economic security plan built around tax cutting and cracking down on Chinese trade violation, Jones was one of 30 people lining the walls in the meeting room.

"Too many jobs have been lost," Jones said after shaking hands with Beasley, and now he's worried about his job as a yarn packer at the Foster plant.

"I tell you, I'm worried about it," said Jones, 45. If he votes for Beasley, and Jones said he's leaning that way, it will mark his first vote for a GOP candidate.

Beasley is one of six candidates vying for the nomination in next Tuesday's Republican primary. With no candidate expected to win a majority and claim the nomination outright, a June 22 run-off is likely between the two top vote-getters.

Beasley's plan was panned by some competitors.

Former Attorney General Charlie Condon said Beasley failed to address "out-of-control federal spending," making the success of his plan questionable because low taxes are contingent upon reigning in deficit spending.

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U.S. Rep. Jim DeMint of Greenville said that "with one week left, Beasley has issued an eight-page paper with seven pages of problems and no real solutions. I will be a senator who provides real ideas and stands with President Bush and Sen. (Lindsey) Graham in creating jobs."

Citing South Carolina's highest-in-the-nation per capita job losses, Beasley said the state's next senator's priority must be job creation and economic growth.

"Government spends too much, frivolous lawsuits have gotten too abusive and countries like China are cheating on trade and getting away with it," he said.

Beasley outlined a 10-point plans that includes:

— Abolishing the estate tax, reducing the capital gains tax and making President Bush's tax cuts permanent.

— Providing new tax incentives to American firms that do not outsource jobs overseas.

— A moratorium on future "so-called free trade agreements."

— Imposing a 28.5 percent tariff on imports from China until Beijing pegs its currency to market rates and retention of import quotas on Chinese goods that are scheduled to expire in 2005.

Where DeMint has spoken in internationalist terms, Beasley has been more adamant about playing hard ball with trade cheaters.


Tuesday, Beasley said, "On the one hand, we've got trade fanatics who want to stick their head in the sand and act like we don't have a problem. On the other hand, there are those overzealous protectionists who say let's build up walls around America.

"I say, we don't build walls around American, we tear down the walls of cheating countries," he said.

Beasley's and DeMint's plans share some similarities.




Former governor David Beasley, candidate for the U.S. Senate, makes a campaign appearance at the Greenville Downtown Airport Tuesday morning backed by supporters. Staff/Owen Riley Jr.

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Both call for tort reform to end "frivolous" lawsuits that drive up costs for U.S. businesses, making the Bush tax cuts permanent and revamping the tax code.

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All Top Jobs

DeMint will launch his "Building a Better Future" tour today in Columbia when he will speak with employees at Stone Manufacturing Co.

After campaigning in Florence, Aiken, Anderson and Spartanburg Friday through Tuesday, Charleston developer Thomas Ravenel will bring his recreational vehicle tour to Greenville today.

The RV, dubbed the "Honest Answers Express," will be Ravenel's mode of transportation through Tuesday's primary election.

He's due at Tommy's Country Ham House at 7:15 a.m. before heading to York County and Columbia.

Former Attorney General Charlie Condon announced creation of "Veterans for Charlie."

Members include retired Army Maj. Gen. Nathaniel Robb, who endorsed Condon's candidacy back in February, and former Army paratrooper Paul Cruise who said Condon "is the candidate whose background is best suited" for the current era of international unrest and military involvement.

Staff writer Dan Hoover covers politics and can be reached at 298-4883.



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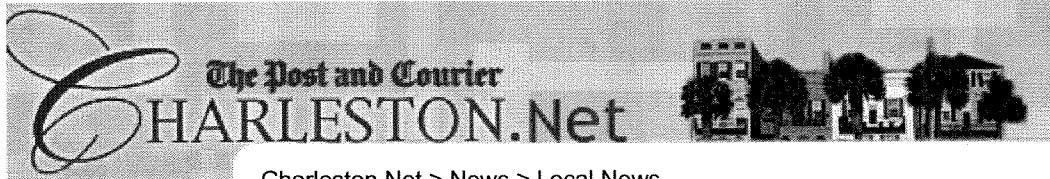
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Story last updated at 6:48 a.m. Wednesday, June 2, 2004

Strong faith, patriotism drive Orly Benny Davis

BY SCHUYLER KROPP
 Of The Post and Courier Staff

A parking ticket that delayed her for five minutes coupled with a decision to turn down an alley to hunt spices in a Jerusalem market probably saved Orly Benny Davis' life.

The year was 1997. She was in Israel, the land of her birth, visiting friends when the urban bustle of the city was suddenly and violently interrupted by a double suicide bombing. Thirteen people were killed and 161 wounded.

Benny Davis nearly became one of them. "Somebody said, 'Turn right,' and we didn't," she said. "We went the other way instead." It was one of several episodes that shaped her staunch belief in God.

Of the six candidates in the June 8 Republican U.S. Senate primary, Benny Davis, who lives in the tiny town of Bluffton in southern Beaufort County, is the least known. She has never before run for public office.

While other candidates are raising millions of dollars, she doesn't expect to raise much cash beyond about \$65,000 she'll use to self-finance her race. As an Orthodox Jew, she won't campaign on Saturdays. But Benny Davis says her willingness to serve will take her far among conservative Republicans who will vote in a GOP primary.

"I come from the Holy Land, and this is the Bible state," she said.

Friends describe Benny Davis as eternally optimistic, even if she is a political novice. Her motivation comes from the opportunities the United States has provided, they say. "She is a powerhouse of enthusiasm and good will," said Rabbi Doron Aizenman of

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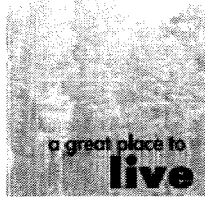
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Chabad Synagogue of Myrtle Beach, who has known Benny Davis for about 10 years.

Benny Davis, 41, who speaks six languages, was born in Tel Aviv and lived in Israel for the first 15 years of her life. She often was exposed to the violence of the Mideast. "When I was 5, I had to run for the shelter for the first time because it was '67, and there was a war," she said. "In '73, there was another war."

Another came in 1982 when Israel invaded Lebanon on the hunt for Yasser Arafat and his Palestinian militia. "I had a chance to feel what wars are like," she said.

Her parents left Israel and moved to Rome, Italy, when she was 15. They worked in the restaurant business.

She found herself in a hotbed of political ideology, where activists from all backgrounds -- communists, socialists, anti-Americans -- marched in the streets.

It was a time in which she cultivated her religious beliefs, which were influenced largely by the many times she moved, from place to place and continent to continent. A tradition of education was always a part of her upbringing.

"The Israelis are the 'book people,' " she said.

As an adult, Benny Davis wanted to marry a Jew, but she couldn't find the right man among Rome's Jewish enclave of 16,000.

"They are a very 'in the box' kind of people," she said of the Jewish Italians. "And I am an 'outside the box' kind of person."

She returned to Israel where she met an American, David Benny Davis. They moved to California in 1987, married and started a family. Today she says she immigrated "as a young bride with her faith in God and nearly nothing else."

In 1994, the family moved to Bluffton where the couple became building subcontractors in the Sun City development project in Beaufort County.

Politically, Orly Benny Davis affiliated herself with the Republican Party because she sees it as the most aligned with God's teachings.

"The principles of Republicans are conservative and they love God. And first of all, I love God. I cannot belong to a group that denies God in any form," she said.

"I know that most Democrats do believe in God, but some radicals want to eliminate God" from classrooms and other parts of society. "America is the leader of the free world, and we have to preserve it."

She strongly praised President Bush, whom she identified as the Republican she admires most.

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"He's doing the right thing with a good heart and a good belief. He is a true man; he doesn't have to masquerade. I appreciate him a lot," she said.

On the stump, Benny Davis doesn't delve deep into many of the issues that are driving the campaign. During one debate in Greenville, she said one way to make the world safer is to encourage global "tolerance and understanding." Her main campaign issues are improving South Carolina's infrastructure and increasing the state's commitment to tourism, though she advocates universal health care and what she called efforts to bring prosperity to all parts of the state.

"I'll stand up for the poor," she said.

She said she is running because she appreciates this country. "America is a great nation, and that's not just a clich . There is no place better than America. Period."

Benny Davis became a naturalized U.S. citizen in 1995.

She had to be a U.S. resident for nine years to qualify as a Senate candidate, and that milestone passed on March 16 this year -- just as the formal filing period to file as a candidate was opening.

ORLY BENNY DAVIS

AGE: 41

RESIDENCE: Bluffton

FAMILY: Husband, David; one stepson, Moshik; son Daniel; daughter, Leemor; son Ethan; daughter, Tea.

EDUCATION: associate's degree in science, University of South Carolina-Beaufort

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OCCUPATION: marketing

POLITICAL EXPERIENCE: Never held office.

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